

Dallin W. Jensen
Assistant Attorney General
Attorney for State Engineer
442 State Capitol Building
Salt Lake City, Utah 84114
Telephone: (801) 533-6071

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF ALL THE RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE UINTA BASIN IN UTAH,	}	MOTION OF STATE ENGINEER
	}	Civil No. 3070

During the past few irrigation seasons, water from the Duchesne River System has been distributed pursuant to an Order from this Court, pending completion of a study by the State Engineer's Office concerning return flow and canal losses for this System. This distribution program was without prejudice to the claims of the parties in any subsequent proceedings in this action, and has been considered to be an interim distribution practice while the State Engineer and the parties gathered additional data concerning the duty of water.

In this regard, the State Engineer has now completed his field work relating to the return flow and canal losses on the Duchesne River System. The results of this investigation are now being compiled into a Preliminary Report which will be transmitted to the parties by the State Engineer as soon as it is finalized. Said report will contain a substantial amount of technical data, and the State Engineer believes that the parties should be given an adequate opportunity to review this report and submit any comments or recommendations they may have to him after completing their review. In order to allow sufficient time for such review by the parties, it is the recommendation of the State Engineer that this Court enter an interim Order to govern distribution of the waters of the Duchesne River System for the 1978 irrigation season. At the Annual Meeting of the water users on the Duchesne River System, the

water situation for the 1978 irrigation season was discussed, but the users did not come to any general consensus concerning a recommended duty of water for the 1978 season.

The State Engineer has reviewed the run-off from the Duchesne River System which has occurred to this point in time, and has made a general evaluation of the snow pack in the area. When the high run-off ceases and it becomes necessary to place the Duchesne River System under regulation for the remainder of the 1978 irrigation season, the State Engineer is of the opinion—based on existing conditions—that water should be distributed to all irrigation users based upon a three and one-half (3.5) acre-foot duty schedule.

The State Engineer has recommended adoption of a 3.5 acre-foot duty schedule to the parties in the form of a draft Motion containing the foregoing information and also a proposed Order. These documents were transmitted to counsel by letter dated June 30, 1978. That letter advised counsel that unless the State Engineer received an objection to this proposed duty schedule he would assume that the parties were willing to acquiesce in it for the 1978 irrigation season. Mr. James Lee, counsel for the Uinta Basin Irrigation Company, advised counsel for the State Engineer by telephone that his client would like to be heard on this matter before the duty schedule was finally adopted by the Court, but said Company would not object to the Court adopting the 3.5 acre-foot duty schedule as proposed by the State Engineer if it became necessary to place the Duchesne River System on regulation pending a Hearing by the Court.

Therefore, the State Engineer respectfully moves the Court for an Order:

(1) Adopting a three and one-half (3.5) acre-foot duty schedule when it becomes necessary to place the Duchesne River System under regulation for the 1978 irrigation season. A copy of a water delivery schedule based upon three and one-half (3.5) acre-feet of water per acre of irrigated land is attached hereto

and by this reference is made a part of this Motion; and,

(2) Setting a Hearing for any objections which may exist against the adoption of the 3.5 acre-foot duty schedule on the Duchesne River System for the 1978 irrigation season and—pending such Hearing—directing the Duchesne River Commissioner to distribute the waters of said System on the basis of 3.5 acre-feet of water per acre of irrigated land as proposed by the State Engineer.

DATED this 19th day of July, 1978.

DALLIN W. JENSEN

Assistant Attorney General
Attorney for State Engineer
442 State Capitol Building
Salt Lake City, Utah 84114

Mailed copies hereof this 19th day of July, 1978, to:

Stephen G. Boyden
Boyden & Kennedy
1000 Kennecott Building
10 East South Temple Street
Salt Lake City, Utah 84111

Hugh Colton
55 East Main Street
Vernal, Utah 84078

James B. Lee
Parsons, Behle & Latimer
P.O. Box 11898
Salt Lake City, Utah 84111

Edward W. Clyde
Clyde & Pratt
351 South State Street
Salt Lake City, Utah 84111

William R. McConkie
6201 Federal Building
125 South State Street
Salt Lake City, Utah 84111

Joseph Novak
520 Continental Bank Building
Salt Lake City, Utah 84101